

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/20/2011 has been entered.

Claims 1-3, 5, 7, 10, 11, 13-15, 17, 19, 20 and 22 are pending in the application. Claims 1-3, 5, 7, 10, 11, 13-15, 17, 19, 20 and 22 are rejected as set forth below.

Specification

The amendment filed 7/20/2011 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: "screens are disposed about opposing surfaces of the filler endpieces and guide pieces".

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3, 5, 7, 10, 11, 13-15, 17, 19, 20 and 22 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 1, it is unclear whether the stiffening means is the same as the stiffening bars? For purposes of this examination, the examiner presumes they are the same. It is also unclear how many stiffening bars there are? Claim 1 states that are at least one pair of two bars connected with spacers in line 12, and at least two pairs with spacers alternating with at least one pair without spacers, the pair of stiffening bars – it is unclear how many total stiffening bars there are. Dependent claims are rejected as depending from a rejected claim.

Appropriate correction is required.

Claim 22 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Examiner cannot find support in the specification for the limitation that the "screens are disposed about opposing surfaces of the filler endpieces and guide pieces" and does not know what this means.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5, 11, 15, 17, 19-20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernard FR 276944 in view of Applicant Admitted Prior Art and Kraeutler 6,672,360 and Carter et al 4,625,786.

3. In re claim 1, with reference to Figures 13 and 14, Bernard '944 discloses a door comprising:

- A transverse box (3).
- A curtain (7) movable between a closed and open position consisting of two parallel screens (71)(72), at least one lifting strap (5') connecting the bottom part of the curtain to a shaft (4).
- At least one transverse stiffening means (11)(11')(12) fitted to each of the screens (71)(72).
- At least one pair of stiffening bars (11)(11') engaged in two mutually opposite sheaths (73)(74) are connected by at least one spacer (15) having an opening for the lifting strap (5') to pass through.
- At least two pairs of stiffening bars (11)(11') with spacers (15) alternate with at least one pair of stiffening bars (12) without spacers in such a way that alternate folds form when the curtain is raised.
- Each screen comprises at least two transverse panels of flexible material connected by a sheath (73)(74).
- A spacer (15) disposed between the stiffening bars (11)(11').

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Bernard '944 fails to disclose:

- Two jambs wherein the side edges of each screen lie in flat continuous contact with the jambs to form an airtight lateral association between the screen and the jambs.
- The ends of the stiffening bars connected by a spacer are fitted with a filler endpiece and the stiffening bars devoid of a spacer have a guide endpiece that is oriented in a plane of the screen in which the bar is located.
- A roller carried by a spacer that connects ends of a pair of stiffening bars and engageable between two tracks formed in the vertical jambs.

4. Applicant Admitted Prior Art discloses:

- A door comprising a transverse box joining two jambs. (page 2, lines 32-37)

5. With reference to Figures 3 and 4, Carter et al '786 disclose:

- Two jambs (12) wherein the side edges of each screen (10) lie in flat continuous contact with the jambs to form an airtight lateral association between the screen and the jambs. (column 3, lines 60-65)

6. With reference to Figure 12, Kraeutler '360 discloses:

- The ends of the stiffening bars (30) are fitted with endpieces (54)(56) which are oriented in a plane of the screen in which the bar (30) is located.
- A roller (58) carried by a spacer (51) that connects ends of a pair of stiffening bars engageable between two tracks formed in the vertical jambs. (Figure 11 teaches the spacer that connects the two bars, and

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Figure 12 teaches a roller is used. Column 6, lines 35-40 teach that the guide peg (52) of Figure 11 is interchangeable with the roller (58) of Figure 12)

7. Therefore it would have been obvious to one having ordinary skill in the art, to include a pair of jambs joining the transverse box as taught by Applicant Admitted Prior Art, since this is an old and well known feature in the art.

8. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include guide components and guide endpieces with a roller between the tracks as taught by Kraeutler '360 in order to guide bar and edge of the curtain accurately (column 5, lines 52-63)

9. It further would have been obvious to one having ordinary skill in the art to make the edges of the screen be in continuous contact with the jamb as taught by Carter et al '786 in order to form an airtight seal to help with energy conservation. (column 1, lines 9-13 and 34-37)

10. In re claims 2,3, 5, 11, 15, 20, and 22 with reference to Figures 14 and 15, Bernard '944 discloses:

- A sheath (73)(74)(75)(76) formed in each screen (71)(72) in which a stiffening means (11)(11')(12) is engaged.
- The sheaths are opposite each other.
- The spacer (15) has an opening for the lifting strap (5') to pass through.
- Wherein a flexible bar (8) is held in the connecting fold (10) of the two screens and a lower pair of bars (11)(11') with spaces and a succeeding

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pair of bars (12) without spaces are at distances such that the bar projects beyond the folds formed. (Figure 14)

- The curtain (7) is made from a single component of flexible material folded on itself to form two screens (71)(72).
- A cable (5') is engaged in at least one sheath (73)(74) whose ends are guided relative to the jambs.
- The screens are disposed about opposing surfaces of the filler endpieces and guide endpieces (54)(56).

11. In re claims 17,19 Bernard '944 as modified by Kraeutler '360 discloses:

- The ends of the stiffening bars (30) are fitted with guide components and guide endpieces (46) which have a flat part oriented in the plane of the screen.
- The endpiece (46) being contained within the screen. (When applied to Bernard '944, the stiffening bars (8) of Bernard are within the screen and the endpiece (46) as taught by Kraeutler fits within the stiffening bar. Therefore the endpiece would be contained within the screen.)
- Two filler endpieces (53)(54) engaged on the end of the bar (30), the two tracks being engageable between the two endpieces, and the airtight lateral association being formed via the engagement of the two tracks between the two endpieces. (column 6, lines 3-9)

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12. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bernard FR 276944 , Applicant Admitted Prior Art, Kraeutler 6,672,360 and Carter et al 4,625,786 as applied to claims 1-3 and 5 and further in view of Kraeutler 5,207,256.

13. In re claim 7, the door of Bernard/Admitted Prior Art/Kraeutler/Carter et al has been discussed above but fails to disclose:

- Wherein the bottom part of the curtain contains a flexible component consisting of a flexible sleeve enclosing a flexible material.

14. With reference to Figure 4, Kraeutler '256 discloses:

- Wherein the bottom part of the curtain contains a flexible component consisting of a flexible sleeve (unnumbered) enclosing a flexible material (50).

15. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a flexible sleeve enclosing a flexible material as taught by Kraeutler '256 in order to provide stiffness to the curtain but prevent injury or damage to people if they curtain is lowered too quickly and falls on them. (column 1, lines 28-37)

16. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernard FR 276944 and Applicant Admitted Prior Art and Kraeutler 6,672,360 and Carter et al 4,625,78 as applied to claim 1 and further in view of Kraeutler 5,141,043.

17. In re claim 10, the door of Bernard/Admitted Prior Art/Kraeutler/Carter et al has been discussed above but fails to disclose:

- Wherein the stiffening bars have the flexibility to absorb impact and come away from the tracks without suffering deformation.

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18. Kraeutler '043 discloses:

- Wherein the stiffening bars have the flexibility to absorb impact and come away from the tracks without suffering deformation. (column 1, lines 62-68 and column 2, lines 1-6)

19. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the stiffening bars to have the flexibility to absorb impact and come away from the tracks as taught by Kraeutler '043 prevent the possibility of impeding subsequent operation of the curtain. (column 2, lines 4-6)

20. In re claim 11, Bernard '944 discloses:

- Wherein when the curtain is in the raised positions the flexible bar projects beyond the folds formed by each folded screen.

21. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bernard FR 276944 and Applicant Admitted Prior Art and Kraeutler 6,672,360 and Carter et al 4,625,78 as applied to claim 1 and further in view of Coenraets 6,119,758.

22. In re claim 13, the door of Bernard/Admitted Prior Art/Kraeutler/Carter et al has been discussed above but fails to disclose:

- At least one transverse panel made of transparent material at the same height in each screen.

23. With reference to Figure 1, Coenraets '758 discloses:

- At least one transverse panel (38) made of transparent material.

24. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include at least one transverse panel made of transparent

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material at the same height in each screen as taught by Coenraets '758 in order to serve as windows. (column 4, lines 27-31)

25. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bernard FR 276944, Applicant Admitted Prior Art and Kraeutler 6,672,360 and Carter et al 4,625,78 as applied to claim 1 and further in view of Yana JP 2002142967.

26. In re claim 14, the door of Bernard/Admitted Prior Art/Kraeutler has been discussed above, but fails to disclose:

- Each screen is provided with at least one shape-memory folding means capable of forming an outward fold in the curtain.

27. Yana '967 discloses:

- At least one shape-memory folding means capable of forming an outward fold in the curtain.

28. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a shape-memory folding means as taught by Yana '967 in order to allow the curtain to be easily folded when necessary. (Derwent Abstract)

Response to Arguments

29. Applicant's arguments with respect to the claims have been fully considered but they are not persuasive.

30. In response to applicant's argument that Bernard or Kraeutler do not teach a spacer is disposed between the stiffening bars, the examiner respectfully disagrees. As shown in the Figures, Bernard '944 teaches a spacer that extends from one stiffening

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bar to the other, therefore it must be considered to be disposed between the two spacers.

31. In response to applicant's argument that Kraeutler '360 fails to disclose guide end pieces that are oriented in a plane of the screen in which the bar is oriented, the examiner respectfully disagrees. As shown in the rejection above, Kraeutler '360 discloses endpieces (54)(56) which components (54) are located in the same plane as the screen.

32. In response to applicants argument that the spacer (51) of Kraeutler that would lie flush against the bar, as stated above, the spacer extends from one bar to another therefore by definition it is between the two bars.

Conclusion

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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